THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&

THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO.185 of 1998

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Dated: 25.01.2006

Between:

P. Satya Raj. .. **Petitioner**

And

1. The Chief Secretary to the Govt. of A.P., State Secretariat, Hyderabad A.P. and 9 others. **.. Respondents**

***** W.P. is dismissed against respondents 1,2,3,9 & 10 as per

Court orders dated 2.2.1998in W.P.No.185 of 1998.

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WRIT PETITION NO : 185 of 1998

ORDER: (Per Hon'ble Smt. Justice T. Meena Kumari)

The petitioner filed this petition seeking the following directions to all the respondents:

1. to conduct purposeful state wide investigations including the Re-audit of the

Sales bill book accounts of the APCO., Hyderabad for the past period of 13 years and file the parawise statement of missing sale bill book account, and reports;

2. to submit correct information after investigation on all allegations and points raised in the affidavit, and if necessary, the petitioner may also be directed to observe the reports on the investigation, in the interests of public money to be re-couped;

3. to order for the speedy recovery of the damaged public money and report periodically;

4. to order security to the petitioner and his family members from all angles and similarly the approvers if any accepted by the petitioner;

5. to order the Government of A.P., to meet the future expenditure of the petitioner in connection of this case;

6. to accord permission to the petitioner to opt for his successor for the case continuity till the full damage done to the public finance is recovered and public justice is met fully;

7. to accord permission to the petitioner to select the necessary 30 approvers by himself for the successful penalization of all the culprits;

8. to issue necessary directions to book the remaining 18 persons holding joint liability in the APCO Handloom House No.I & II Visakhapatnam in the old two FIRs booked in 1993,and also to investigate all the concerned irrespective of cadre touching the flow and use of dummy sale bill books and all financial crime touching public cheating and public funds;

9. to order for immediate remittance of Rs.97.323.50 ps., recovered in 1990, and any amount recovered thereafter touching the 1st case, into the concerned Government account from which the MDA is released; and

10. to grant relief for expenditure of over Rs.20,000/- already made for over a decade of years till filing the case etc.

Heard the learned Counsel on record. Perused the material available on record.

A perusal of the material available on record goes to show that the substance of the reliefs sought for, revolves around initiation of a re-audit and the consequential measures to be taken. In this regard, it is not out of place to mention that Chapter VII of the A.P. Co-operative Societies Act (for short " the Act" deals with the audit, inquiry, inspection and surcharge proceedings. Section 51 confers powers on the Registrar to initiate the proceedings as to the working and financial condition of a society. If that being the case, we are of the considered view that the petitioner ought to have availed his remedy under the provisions of the Act instead of approaching this Court by way of filing the present writ petition, which is a premature one. As such, this writ petition is not maintainable and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs. However, the petitioner is at liberty to avail the remedies that are open to him under the provisions of the A.P. Co operative Societies Act.

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Justice T. Meena Kumari

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Justice K.C.BHANU

Dated: 25.01.2006

Nn/Gurc.